

ORIGINAL

FILED  
HARRISBURG, PA

JUN 17 2002

MARY E. D'ANDREA, CLERK  
Per  Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RANDY YORDY,**  
**Plaintiff**

**v.**

**SCOTT BROWN, PAUL EVANKO,**  
**BERON F. STEAGER, AND BARRY L.**  
**BRINSER, et al.,**  
**Defendants**

**No. 1:01-CV-0206**

**(Judge Kane)**

**JOINT MOTION TO MODIFY SCHEDULING ORDER**

Plaintiff and defendants, by their respective counsel, hereby move the Court to modify the scheduling order by removing the action from the September 9, 2002 trial list and re-listing the trial for October 2002 or such later time as the Court's schedule permits. In support hereof, the parties state as follows:

1. This is a civil action for damages brought pursuant to 42 U.S.C. §1983 raising claims of excessive force against Pennsylvania state troopers.

2. The action is presently on the Court's September 9, 2002 trial list with a pretrial conference set for August 26, 2002.

3. The parties' counsel have taken several depositions and continue to schedule the remaining ones.

4. Several depositions remain to be taken which are in the process of being scheduled over the next several weeks.

5. Undersigned counsel for defendants will be out of the country for approximately two weeks in July visiting the country of China and finalizing the adoption of a Chinese child for return to the USA.

6. Counsel for plaintiff will be out of the country for approximately 2½ weeks in late July/early August visiting the country of Greece with his two children.

7. Because of the need to schedule several depositions, the time out of the country and other litigation responsibilities before this Court and other courts, the parties' counsel respectfully request additional time to prepare this action for trial.

8. A continuance of trial from September 2002 to October 2002 is requested. If the Court's schedule does not permit re-listing in October 2002,

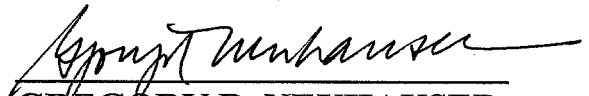
counsel respectfully request that a conference with the Court be held to discuss a later trial listing that would be permitted by the Court's schedule.

**WHEREFORE**, the parties' motion to modify the scheduling order should be granted.

**Respectfully submitted,**

**D. MICHAEL FISHER**  
**Attorney General**

**By:**

  
**GREGORY R. NEUHAUSER**  
**Senior Deputy Attorney General**

**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**  
**Chief, Litigation Section**

**OFFICE OF ATTORNEY GENERAL**  
**15th Floor, Strawberry Square**  
**Harrisburg, PA 17120**  
**717-787-8106**

**DATE: June 14, 2002**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RANDY YORDY,**  
**Plaintiff**

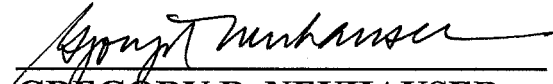
**v.**

**SCOTT BROWN, PAUL EVANKO,**  
**BERON F. STEAGER, AND BARRY L.**  
**BRINSER, et al.,**  
**Defendants**

:  
:  
: **No. 1:01-CV-0206**  
:  
: **(Judge Kane)**  
:  
:  
:

**CERTIFICATE OF CONCURRENCE**

Gregory R. Neuhauser, Senior Deputy Attorney General, hereby certifies that concurrence in the foregoing motion was sought and obtained from counsel for plaintiff, Spero T. Lappas, Esquire.

  
\_\_\_\_\_  
**GREGORY R. NEUHAUSER**  
**Senior Deputy Attorney General**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RANDY YORDY,  
Plaintiff

v.


SCOTT BROWN, PAUL EVANKO,  
BERON F. STEAGER, AND BARRY L.  
BRINSER, et al.,  
Defendants

:  
:  
: No. 1:01-CV-0206  
:  
: (Judge Kane)  
:  
:  
:  
:

CERTIFICATE OF SERVICE

I, GREGORY R. NEUHAUSER, Senior Deputy Attorney General  
for the Commonwealth of Pennsylvania, Office of Attorney General, hereby  
certify that on **June 17, 2002**, I caused to be served a true and correct copy of the  
foregoing document **Joint Motion to Modify Scheduling Order**, by depositing it  
in the United States mail, first-class postage prepaid to the following:

Spero T. Lappas, Esquire  
205 State Street  
Harrisburg, PA 17101-0808

  
\_\_\_\_\_  
GREGORY R. NEUHAUSER  
Senior Deputy Attorney General